

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aguais et. al.

Examiner:

Serial No.: 10/044,071

Group Art Unit:

Filed: January 10, 2002

For: SYSTEM AND METHODS FOR
VALUING AND MANAGING THE RISK
OF CREDIT INSTRUMENT PORTFOLIOS

I CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE U.S. POSTAL SERVICE WITH SUFFICIENT POSTAGE AS
FIRST CLASS MAIL, IN AN ENVELOPE ADDRESSED TO THE
ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C.
20231

ON:

*January 28, 2002**Mary La Grange*

SIGNATURE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

STATEMENT OF KENDRICK LO

I, Kendrick Lo, certify the following:

1. I am a solicitor admitted to the Bar of Ontario. I practice at the firm of Bereskin & Parr in Toronto, Ontario, Canada. I live at 3213-38 Elm Street, Toronto, Ontario, CANADA, M5G 2K5.
2. I filed a Canadian Patent Application covering the subject matter of the above-captioned U.S. Patent Application on January 10, 2002, the same date on which the U.S. Application was filed. Patent applications covering this invention have not been filed in any other country.
3. To the best of my knowledge, the subject matter in the above-captioned application was not under a secrecy order at the time of filing, and is not currently under a secrecy order.
4. This application covers a joint invention by both U.S. and Canadian inventors.
5. I received the information for preparing the application from the inventors on January 9, 2002. I was informed that a potentially pertinent publication had been published on

January 10, 2001. Under Canadian law, this necessitated filing a Canadian patent application by January 10, 2002, so that the publication would not be available as prior art against the Canadian application in the Canadian Patent Office.

6. At that time (through January 10), I did not know that U.S. patent law requires a U.S. applicant to obtain a foreign filing license before filing a patent application on the subject matter in any other country under these circumstances.
7. I instructed Peter Cronk, the U.S. Patent Attorney who filed the above-captioned application to file the application in the U.S. on January 10, 2002. Mr. Cronk received his instructions solely from me. I did not place him in direct contact with the inventors.
8. I did not tell Mr. Cronk that a Canadian patent application was being filed on the same date.
9. In subsequent conversations with Mr. Cronk on January 16, 2002, I advised Mr. Cronk of the Canadian filing, and he advised me of the requirement to obtain a U.S. foreign filing license.
10. As soon as we realized that we had inadvertently failed to obtain a needed foreign filing license from the U.S. Patent and Trademark Office, we began immediate steps to compile the necessary information to complete this request for a retroactive license.
11. Our failure to obtain a foreign filing license prior to filing the application in Canada occurred through error, and without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: January 24 / 02


Kendrick Lo